

REMARKS

Upon entry of the above amendment, claim 1 will have been amended to substantially incorporate the subject matter of claim 3 therein. Further, claim 3 will have been canceled. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all pending claims, in due course.

In the Official Action, the Examiner rejected claims 1-5 under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the Examiner asserted that the claim limitations are not clearly shown in the figures and/or lack support in the specification.

Applicant respectfully traverses the Examiner's assertions and submits that the specification, including the Figures, provides adequate and sufficient support for the claimed subject matter. In this regard, Applicant submits that support for the features listed by the Examiner can be found, for example, in Figures 4-5. In addition to the support found in the drawings, Applicant submits that sufficient support for the claimed subject matter can also be found, for example, on pages 6-8 of Applicant's specification. For example, Figure 4 clearly illustrates a lower member 50 as having a downwardly and forwardly curved shape. In addition, an adequate written description of the lower member is provided, for example, on pages 6-7 of Applicant's specification. Further, Applicant submits that adequate support for the side fixing portions 54 are clearly illustrated in Figures 4-5 and are sufficiently described in the specification,

beginning on line 13 of page 6. Accordingly, Applicant asserts that the claims are definite and thus requests withdrawal of the 35 U.S.C. §112 rejection.

The Examiner also rejected claims 1-2 and 4-5 under 35 U.S.C. §103(a) as being unpatentable over the Prior Art (Figures 1-3) in view of PLESCHKE et al. (U.S. Patent No. 6,634,702).

Applicant respectfully traverses the above-mentioned rejection and submits that it is inappropriate with respect to the claims pending in the present application. In particular, Applicant submits that the rejections are inappropriate at least since the above-mentioned references, taken alone or in combination, fail to disclose each and every feature recited in the claims.

For example, as admitted by the Examiner, the Prior Art (Figures 1-3) does not disclose a lower member that includes a downwardly curved shape and that bends forward from the reinforcement structure, as recited in the claims. Accordingly, the Examiner relies upon PLESCHKE for supplying the deficiencies of the "Prior Art" (Figures 1-3).

However, Applicant submits that PLESCHKE does not supply the deficiencies of the "Prior Art". Contrary to the Examiner's assertions, there is no indication in PLESCHKE that the bumper transverse support is downwardly curved or that it bends forward from a reinforcement structure, as recited.

Rather, as illustrated in Figure 1 of PLESCHKE, the bumper transverse support 5, which the Examiner has interpreted to be the claimed lower member, appears to be rectangular. Further, the sectional view of Figure 2 clearly depicts the bumper transverse support 5 as having no downward curves or forward

bends in its rectangular structure. Accordingly, as PLESCHKE fails to supply the deficiencies of the "Prior Art", Applicant respectfully requests withdrawal of the rejections together with an indication of the allowability of all pending claims, as each and every feature is not disclosed by the applied references.

Moreover, Applicant submits that PLESCHKE is directed towards providing a bumper transverse support 5 that is secured to the longitudinal supports 4 of the vehicle and not to a vertical member. That is, PLESCHKE provides a different attaching mechanism than that of the "Prior Art". Accordingly, with such differences in structure and objectives in attaching components, it would not be obvious to modify the "Prior Art" to include the teachings of PLESCHKE, as proposed by the Examiner.

Further, the Examiner has not presented a convincing line of reasoning or any suggestion, in the prior art for modifying the references in the manner proposed. Accordingly, as there is no suggestion or motivation to modify the "Prior Art" to include a lower member, as proposed by the Examiner, Applicant respectfully requests withdrawal of the rejection.

In addition, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over the "Prior Art" (Figures 1-3) in view of WYCECH (U.S. Patent No. 5,575,526).

However, Applicant respectfully traverses the rejection of claim 3 and submits that the "Prior Art" and WYCECH, taken alone or in combination, fail to disclose each and every feature, as recited in the claims. In addition to not disclosing side fixing portions, as admitted by the Examiner, Applicant submits

that the "Prior Art" also fails to disclose a lower member that includes a downwardly curved shape and that bends forward, as recited. Moreover, WYCECH also fails to disclose at least these features. Rather, WYCECH is directed towards providing a composite laminate beam 12 with a flat, planar structure. The laminate beam, as taught by WYCECH, however, does not bend forwardly from the reinforcement structure, as recited in the claims. Accordingly, as the combination of the "Prior Art" and WYCECH, taken alone or in combination, fail to disclose the combination of features recited in the claims, Applicant respectfully requests withdrawal of the rejections.

Thus, for at least each of the above-noted reasons, Applicant respectfully requests withdrawal of the outstanding rejections together with an indication of the allowability of the claims. Further, as all of the claims in the present application are clearly patentable over the references applied by the Examiner, either alone or in combination, an indication to such effect is respectfully requested and believed to be proper.

Further, Applicant notes the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for entry of the present amendment consistent with 37 C.F.R. §1.116. Applicant notes amendments made to the pending claims do not raise any new issues requiring further search or consideration, as claim 1 has been amended to substantially incorporate the subject matter of examined claim 3 therein. It is also submitted that the present amendment does not raise the question of new matter.

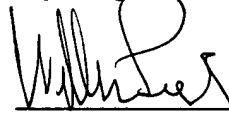
Accordingly, Applicant respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. §1.116, reconsideration and withdrawal of the outstanding rejections, and indication of the allowability of all claims pending herein.

SUMMARY AND CONCLUSION

Applicant believes that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and have pointed out the shortcomings of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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